

REMARKS

Claims 1-65 were previously pending in this application. Of these, claims 1-41 and 60-65 were previously withdrawn from consideration. Claims 42-59 have been amended. Claims 42-59 are pending for consideration and examination with claims 42, 50 and 57 being independent claims. No new matter has been added.

Miscellaneous Corrections

Miscellaneous corrections have been made to claims 43-59. In particular, the phrase “the step(s) of” has been removed everywhere that it is unnecessary. No new matter has been entered.

Claims Objection

The informality in claim 56 has been corrected. “Generating” has been changed to “generated”.

Rejection under 35 U.S.C. §112

Claims 57-59 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 57-59 have been amended to overcome this rejection.

As described in the specification at page 13, lines 24-29, the so-called “pressure chamber” may be either open or closed when operating in the claimed vacuum-generating mode. To render the claim language clearer, that pressure need not be built up in the chamber, it is now called a “solute chamber.”

Accordingly, withdrawal of the rejection of claims 57-59 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 42-55 and 57-59 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,906,250 to Loeb (hereinafter *Loeb*). The claims rejected as anticipated by *Loeb* include independent claims 42, 50 and 57. Claims 42 and 50 have been amended, overcoming this rejection as to claims 42-55. The rejection is traversed as to claims 57-59.

Claims 42 and 50 now recite “applying the increased pressure to a system including a hydraulically driven piston which produces a substantial linear movement from which energy can be extracted,” and “applying the increased pressure to a system including a hydraulically driven piston which produces a substantial linear displacement of the object,” respectively. Support for these amendments is found in Fig. 6 and the description thereof. There is no disclosure, teaching or suggestion in *Loeb* of the claimed subject matter including these features. Rather, *Loeb* discloses systems in which energy is extracted from pressurized brine solution by driving it out of the system through a hydraulic turbine whereby its pressure is reduced from a large positive value to zero. Because there is no disclosure, teaching or suggestion of the invention as now defined by claims 42 and 50, as well as claims 43-49 and 51-55, dependent therefrom, claims 42-55 are patentable over the cited and applied art.

As for claim 57, the claim recites “flowing solvent from the solvent chamber to the membrane, such that solvent molecules effuse across the semi-permeable membrane into the solute solution, thereby leaving a void in the solvent chamber,” which is not disclosed, taught or suggested by *Loeb*. According to the claimed method, the solvent chamber is a closed chamber in which a void forms, producing a vacuum, for example above the solvent, as solvent molecules effuse across the semi-permeable membrane. Rather, *Loeb* discloses systems in which the solvent chamber is continually replenished, for example by river water. No void or vacuum is formed above the solvent in the solvent chamber of *Loeb*. Because there is no disclosure, teaching or suggestion of the invention as defined by claim 57 or by claims 58 and 59, dependent therefrom, claims 57-59 are patentable over the cited and applied art.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 42, 43 and 50-55 have been rejected under 35 U.S.C. §102(b) as being anticipated by DE 3121968. Claims 42 and 50 have been amended, overcoming this rejection.

As discussed above, claims 42 and 50 now recite “applying the increased pressure to a system including a hydraulically driven piston which produces a substantial linear movement from which energy can be extracted,” and “applying the increased pressure to a system including a hydraulically driven piston which produces a substantial linear displacement of the object,” respectively. There is no disclosure, teaching or suggestion in DE 3121968 of the claimed subject matter including these features. Rather, DE 3121968, like *Loeb* discloses systems in which energy is extracted from a pressurized solute solution by driving it out of the system

through a hydraulic turbine. Because there is no disclosure, teaching or suggestion of the invention as now defined by claims 42 and 50, as well as claims 43 and 51-55, dependent therefrom, claims 42, 43 and 50-55 are patentable over the cited and applied art.

Rejections Under 35 U.S.C. §103

Claim 56 is rejected under 35 U.S.C. §103(a) as being unpatentable over DE 312968 in view of *Loeb*. Claim 56 depends from claim 50, which has been amended, overcoming this rejection.

As discussed above, neither DE 3121968 nor *Loeb* discloses, teaches or suggests “applying the increased pressure to a system including a hydraulically driven piston which produces a substantial linear displacement of the object,” as recited in claim 50. Moreover, the combination of the two contains no teaching or suggestion of “applying the increased pressure to a system including a hydraulically driven piston which produces a substantial linear displacement of the object,” as recited in claim 50 because there is no suggestion of such a piston alternative to the turbine used in both DE 3121968 and *Loeb*. Therefore, claim 56, dependent from claim 50, is patentable over the proposed combination of DE 3121968 and *Loeb*.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 51, 52, 54 and 55, also rejected under 35 U.S.C. §103(a) as being unpatentable over *Loeb* are allowable for at least the same reasons as discussed above in relation to claim 50, from which they depend.

Accordingly, withdrawal of their rejection is also respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant’s attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee

occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. E2002-700019.

Respectfully submitted,

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